



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed March 26, 2021

United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

In re:	§	
	§	Case No. 19-44181-ELM
DWAYNE PAUL BRIDGES and	§	
DANA MICHELLE BRIDGES,	§	Chapter 7
	§	
Debtors.	§	
	§	
KAPITUS SERVICING, INC., AS	§	
SERVICING AGENT FOR TVT	§	
CAPITAL LLC,	§	
	§	
Plaintiff,	§	
v.	§	Adversary No. 20-04009
	§	
DWAYNE PAUL BRIDGES,	§	
	§	
Defendant.	§	

**ORDER GRANTING IN PART, AND DENYING IN PART,  
DEFENDANT'S MOTION TO DISMISS**

Before the Court is the *Rule 12(b)(6) Motion to Dismiss Certain Causes of Action in Amended Complaint* [Docket No. 18] (the “**Motion**”) filed by Defendant Dwayne Paul Bridges (the “**Defendant**”) in relation to *Kapitus Servicing, Inc.’s Amended Complaint to Determine Non-*

*Dischargeability of Debt* [Docket No. 8] (the “**Complaint**”) filed by Plaintiff Kapitus Servicing, Inc., as Servicing Agent for TVT Capital LLC (the “**Plaintiff**”). Pursuant to the Motion, Defendant requests the dismissal of the causes of action asserted by Plaintiff in the Complaint pursuant to 11 U.S.C. § 523(a)(2)(A) (the “**523(a)(2)(A) Claim**”) and 11 U.S.C. § 523(a)(4) (the “**523(a)(4) Claim**”). In response to the Motion, Plaintiff filed its *Response to Rule 12(b)(6) Motion to Dismiss Certain Causes of Action in Amended Complaint* [Docket No. 21] (the “**Response**”). On July 20, 2020, the Court entertained oral argument on the Motion.

Having reviewed the Complaint, the Motion and the Response, and also considered the arguments of counsel, on March 24, 2021, the Court rendered its oral ruling on the Motion in open court (the “**Ruling**”) (unless separately defined herein, all capitalized terms appearing herein shall have the meanings ascribed to such terms in the Ruling). Based upon the Ruling, which is incorporated herein by reference, it is hereby:

**ORDERED** that the Motion be and is hereby GRANTED IN PART, AND DENIED IN PART, as set forth herein; it is further

**ORDERED** that the 523(a)(2)(A) Claim be and is hereby DISMISSED WITH PREJUDICE to the extent said claim is based upon the Landlord Representation and to the extent said claim is based upon the Tax Representation; it is further

**ORDERED** that the 523(a)(4) Claim be and is hereby DISMISSED WITH PREJUDICE to the extent said claim is based upon the Defendant’s alleged fraud or defalcation while acting in a fiduciary capacity and to the extent said claim is based upon the Defendant’s alleged larceny; and it is further

**ORDERED** that all other relief requested in the Motion be and is hereby DENIED.

### END OF ORDER ###